

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in (1) was not written for publication and (2) is not binding precedent of the Board.

Paper 141

Filed by: Interference Trial Section Merits Panel

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RUTH ANN ROSENTHAL, BARRY F. VAN
DUZEE and RAJKUMAR BHATIA
Junior Party
(Application 08/156,043)

v.

MARY F. MOWREY-MCKEE, DAVID W. PROUD
and GEORGE E. MINNO
Senior Party.
(Patent 5,096,607)

Patent Interference No. 103,536

Before: McKELVEY, Senior Administrative Patent Judge, SCHAFER and LEE, Administrative Patent Judges.

PER CURIUM

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of ROSENTHAL'S REQUEST FOR ENTRY OF ADVERSE JUDGMENT
(Paper 139), it is

ORDERED that judgment on priority as to Count 1 (Paper 79, p. 28), the sole count in the interference, is awarded against the junior party RUTH ANN ROSENTHAL, BARRY F. VAN DUZEE and RAJKUMAR BHATIA.

FURTHER ORDERED that, judgment on priority as to Count 1 is awarded in favor of senior party MARY F. MOWREY-MCKEE, DAVID W. PROUD and GEORGE E. MINNO.

FURTHER ORDERED that junior party, RUTH ANN ROSENTHAL, BARRY F. VAN DUZEE and RAJKUMAR BHATIA, is not entitled to a patent containing claims 27-30, 32-35, 38, 40, 42, 43, 45, 59, 60, 61, 63, and 65-75 (corresponding to Count 1) of application 08/156,043, filed November 23, 1993.

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, senior party, MARY F. MOWREY-MCKEE, DAVID W. PROUD and GEORGE E. MINNO, is entitled to a patent containing claims 1-11 and 13-20 (corresponding to Count 1) of Patent 5,096,607, granted March 17, 1992, based on application 07/515,290, filed April 27, 1990.

FURTHER ORDERED that a copy of this decision be made of record in application 08/156,043 and in the file of Patent 5,096,607.

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FRED E. McKELVEY)	
Senior Administrative Patent Judge)	
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_____)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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JAMESON LEE)	
Administrative Patent Judge)	
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)	

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